

# EXHIBIT 5

**Subject:** Sonos v Google, 6-20-cv-881; Preliminary Claim Constructions

**Date:** Monday, August 9, 2021 at 3:03:27 PM Central Daylight Time

**From:** Hannah S

**To:** Paige Amstutz, Cole Richter, Sonos-WDTX0881-service@orrick.com, mark@waltfairpllc.com, Sonos-WDTX0881-service@orrick.com, qe-sonos3@quinnemanuel.com

**CC:** Kristie Davis, TXWDml\_LawClerks\_WA\_JudgeAlbright

Counsel,

The Court provides the following preliminary constructions in advance of **9:30AM 8/10/2021** Markman hearing. The purpose of preliminary constructions is to streamline the hearing by providing the parties an indication of the Court's current position for each term. Although the parties are, of course, free to argue for their originally proposed construction, it is generally unlikely that the Court will select a party's originally proposed construction over the preliminary construction. As such, the Court believes that making arguments to fine-tune the preliminary construction may be more helpful. The preliminary constructions are not final as the Court may change some those constructions based on the arguments at the hearing.

Of the below terms, please let me know what terms each side would like to argue by **8:00 PM 8/9/2021**. Each side may email their list separately (but please CC the other side) or jointly (please indicate which side, or both, wants to argue each term). Based on the parties' lists, the Court will provide the order of terms that the Court would like to hear arguments on. Also, by **8:30 AM 8/10/2021**, please submit any slides the parties (and CC the other side) wish to use at the Markman hearing.

Please use the Court's public Zoom link to the Markman hearing. Also, to assist the court reporter (Kristie Davis, CC-ed), please email her a copy of your slides as soon as possible (it's okay if it's just a draft). When you email her, no need to CC the other side or the Court.

Claim No.	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Preliminary Construction
1	"multimedia" ['206 and '615 Patents]	"any type of media that comprises audio (including audio alone)"	Plain and ordinary meaning	Plain and ordinary meaning
2	"network interface" ['206, '615, '885 Patents]	"a physical component of a device that provides an interconnection with a data network"	Plain and ordinary meaning	Plain and ordinary meaning

3	<b>“playback device” / “zone player”</b> [’206, ’615, ’033 Patents] / [’966 and ’885 Patents]	“a data network device configured to process and output audio”	Plain and ordinary meaning	Plain and ordinary meaning; “Zone player” means “playback device”
4	<b>“zone configuration characterizes one or more zone scenes”</b> [’206 Patent]	“configuration data that provides an indication of one or more zone scenes”	No separate construction proposed. See “zone” and “zone scene” terms	Plain and ordinary meaning
5	<b>“Zone configuration”</b> [’206 Patent]	No separate construction necessary.	Indefinite	Plain and ordinary meaning
6	<b>“zone”</b> [’206 Patent]	No separate construction necessary.	“an area or areas with one or more playback devices”	Plain and ordinary meaning
7	<b>“zone scene”</b> [’206 Patent]	No separate construction necessary; see below construction for term in context.	“a group of two or more zones that are grouped according to a common theme by configuring the zones in a particular scene (e.g., morning, afternoon or garden)”	“a previously-saved grouping of independent playback devices / zone players that are to be configured for synchronous playback of media when the zone scene is invoked”
8	<b>“zone scene identifying a group configuration associated with two or more of the plurality of independent playback devices”</b> / <b>“[first / second] zone scene comprising a [first / second]</b>	“a previously-saved grouping of [independent playback devices / zone players] that are to be configured for synchronous playback of media when the zone scene is invoked”	No separate construction proposed. See “zone” and “zone scene” terms.	See “zone scene”; Plain and ordinary meaning

	<p><b>predefined grouping of zone players including at least the first zone player and a [second / third] zone player that are to be configured for synchronous playback of media when the [first / second] zone scene is invoked”</b></p> <p>[’206 Patent] / [’966 and ’885 Patents]</p>			
<b>9</b>	<p><b>“group configuration”</b> [’206 Patent]</p>	No separate construction necessary.	Indefinite	Plain and ordinary meaning
<b>10</b>	<p><b>“causing the selectable indication of the at least one of the one or more zone scenes to be displayed”</b> [’206 Patent]</p>	Plain and ordinary meaning	Indefinite	Indefinite
<b>11</b>	<p><b>“local area network”</b> [’615 Patent]</p>	“data network that interconnects devices within a limited area, such as a home or office”	Plain and ordinary meaning	Plain and ordinary meaning
<b>12</b>	<p><b>“cloud”</b> [’615 and ’033 Patents]</p>	Plain and ordinary meaning	“over a network”	Plain and ordinary meaning
<b>13</b>	<p><b>“a media particular playback system”</b> [’615 Patent]</p>	“a media playback system”	Indefinite	Indefinite
<b>14</b>	<p><b>“data network”</b> [’966, ’033, ’885 Patents]</p>	“a medium that interconnects devices, enabling	Plain and ordinary meaning	Plain and ordinary meaning

		them to send digital data packets to and receive digital data packets from each other”		
15	<b>“remote playback queue”</b> [’966, ’033, ’885 Patents]	Plain and ordinary meaning	“remote playback queue provided by a third party application”	Plain and ordinary meaning
16	<b>“an instruction for the at least one given playback device to take over responsibility for playback of the remote playback queue from the computing device, wherein the instruction configures the at least one given playback device to”</b> [’033 Patent]	Plain and ordinary meaning	“an instruction for the at least one given playback device...”; Instruction means one instruction.	Plain and ordinary meaning
17	<b>“wherein the instruction comprises an instruction”</b> [’033 Patent]	Plain and ordinary meaning	Indefinite	Plain and ordinary meaning

Best,  
Hannah



Hannah Santasawatkul  
Law Clerk to the Honorable Alan D Albright  
United States District Court, Western District of Texas  
Direct: [254-750-1520](tel:254-750-1520)  
[Hannah\\_Santasawatkul@txwd.uscourts.gov](mailto:Hannah_Santasawatkul@txwd.uscourts.gov)